

Administrative Challenges in Conflict Affected Areas- North east

GROUP- 04

MEMBERS:

RENU SHEKHAWAT

SONAL RAMESH

SUCHISMITA SWAIN

AMIT KUMAR

ARVIND KUMAR

DEVENDRA KUMAR

RAJESH KUMAR

SHASHI KUMAR UTTAM

Scope of the Topic

- ▶ Geographical locations, space, Borders
- ▶ Conflicting Tribes
- ▶ Identities
- ▶ Influence of China in Insurgency
- ▶ Special provision in constitution and AFSPA
- ▶ Structural process Behavior and Local and National Political dynamics in each State

North east: An Introduction

- ▶ Consist of:
 - ▶ Arunanchal Pradesh : Serene beauty, Buddhism-Tawang Monastery
 - ▶ Assam : Kaziranga, Manjuli, rhinos, Assam tea
 - ▶ Meghalaya : “The abode of clouds”, rain, root bridges,
 - ▶ Nagaland
 - ▶ Manipur
 - ▶ Mizoram
 - ▶ Tripura
 - ▶ Sikkim
- ▶ The Greenery : Evergreen forests, Natural parks, Wild life sanctuaries, lakes etc.
- ▶ Wild Life : one-horned rhinos, Black naked stork, Bengal florican white winged wood duck
- ▶ Unstable Social Life: Drugs, HIV
- ▶ Internal security: 50 active armed groups, demands for separate nationhood (16 different nations)
- ▶ Silent demographic invasion: Immigrants (Myanmar and Bangladesh- Greater Bangladesh)

Geographical locations, space, Borders

- ▶ Physical Linkages with rest of India: geographical distance and partition effect
- ▶ Terrain: Hilly and forested areas, inaccessible remote villages, poor infrastructure of road and communication
- ▶ Mental isolation: leave them alone policy
- ▶ International Border : border lines not demarcated, porous border, Bangladesh, Myanmar, Bhutan, Nepal, Chin- solution SEZ on Indo-Bangladesh border, dev and security of border areas, Matching Infrastructure and military capability, sentiments of the people to be considered while solving Indo-china border issues in AP.
- ▶ Open Borders: Women and child Trafficking, fake currency, Narcotics, Weapons, Animal Trafficking (cow)
- ▶ China aggression: Arunanchal- claim on 20 to 30 km south in AP.

Conflicting Tribes & Identities

- ▶ A major proportion of tribals live in the “seven sisters”
- ▶ Eg. Bodos, Adis ,Nishi ,Aka, Mishing ,Boro-Kachari , Garos Kasi , Mizos etc.
- ▶ Population division : Unequal power relations and conflict between the tribals and non-tribals as well as between various tribes
- ▶ Conflicts are not exclusively religious or cultural or economic, finds an expression in terms of nationality, identity and ethnicity.
- ▶ The **effort to control the resources** is basic to it. The tribals are not able to cope with the depletion of their resources caused by the commercialisation of forest and agricultural produce. They feel the need to come together to safeguard their livelihood or to take advantage of modernisation

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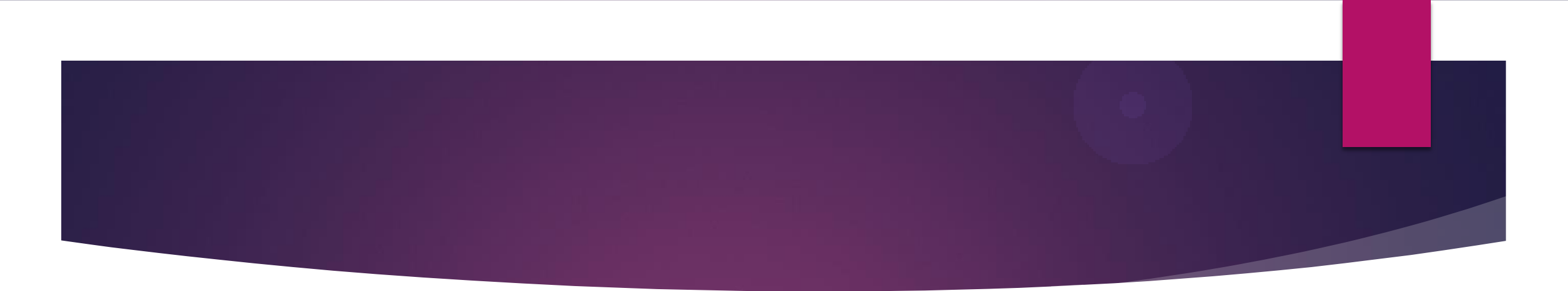
- ▶ The ethnic consciousness that grows from this encounter with the dominant cultures leads to identity expansion or several groups merging to expand their identity without giving up their individuality. In this process they also develop a **belief in a common origin**
- ▶ Most struggles in the north-east are in reaction to the **homogenizing** trend of the dominant “one State one nation” thinking of the Indian State and the tendency “to take the degree of Aryanisation as the measure of Indianisation“
- ▶ the domination of non-tribals
- ▶ The sub-nationalism against the Centre may lead to secessionist demands while resentment against the locally dominant groups takes the form of autonomy
- ▶ Consequently the three steps of defending their livelihood, protecting their identity and propounding a sub-nationalism specific to a cultural and ethnic group merge into one.



Effort to control the resources

Homogenizing trend

Domination of non-tribals

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- ▶ Expression depends on the nature of the leadership. When the traditional leaders provide the motive force for identity expansion they want to protect their resources as well as the traditional ways of using them. When an educated elite provides the leadership they demand control over them and a share in the benefits of the modern system. Secessionist demands usually come from the former and the struggles for autonomy are led by the latter.

Influence of China on Insurgency

- ▶ Inhabited by Mongoloid tribes who have close ethnic and cultural ties with the tribes in China, Tibet and Burma
- ▶ Facilitators of Insurgency:
 - I. Strategic location of the northeast & Access of the disaffected groups to China, Bangladesh, Myanmar, Bhutan and Nepal
 - II. Material and moral support of foreign intelligence agencies to these groups

History

Active hostility

Passive
hostility

Neutrality

- ▶ 1966 & 1967 : Knowledge of arms, guerilla tactics and Maoism imparted to Nagas in Yunan. Also, moral and material support to Mmizo and Meiti tribe.
- ▶ 1988 : Joint Working group
- ▶ Border incursions in Arunachal Pradesh
- ▶ Chinese PLA building unmetalled road heading towards the LAC

But.....

- ▶ Not interested in clearly delineating a line of actual control (LAC)
- ▶ A deliberately contradictory position on Pakistan-occupied Kashmir (PoK), China-occupied Kashmir (mostly Aksai Chin in Ladakh) and areas in India - mainly in Arunachal Pradesh
- ▶ Suits China to keep Indian army tied up in various insurgencies Eg. Terrorism in Manipur
- ▶ China has backed its territorial claims by constantly patrolling and even transgressing into Indian territory

Motives

- ▶ Territorial gains : Tawang
- ▶ Rectification of mistakes of 1962
- ▶ Military capability to block jihandi influence in Xinjiang region

China winks, Pakistan can make the entire Kashmir LoC and IB a live battleground

Insurgency in the North-East will keep the army busy in Nagaland and Manipur, while distracting us from Arunachal

Special Provisions in Constitution and AFSPA

Topics covered

- ▶ **Part IX** – The Panchayats
- ▶ **Part X** – The Schedules and Tribal Areas.
- ▶ **Part XXI** – Temporary, Transitional And Special provisions.
- ▶ **Fifth** Schedule And **Sixth** Schedule
- ▶ Statutory and Executive Provisions
- ▶ Armed Forces Special Powers Act [**AFSPA**]- Evolution and status.

Special Provisions in Constitution for North Eastern india.

- ▶ Cultural, linguistic and racial diversities.
- ▶ Provisions incorporated for the **protection of specific identities and local resources**.
- ▶ **Designation of Schedule Areas** Under Schedule 6. Under the Constitution "Scheduled Areas" are **declared by the President** after consultation with the State Governors. These Areas have been designated **to protect the interests of Scheduled Tribes** regarding their land and other social issues and are governed through provisions of either Fifth or Sixth Schedule.

SIXTH SCHEDULE [Articles 244(2) and 275(1)] Provisions as to the Administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram.

▶ **PART X – THE SCHEDULED AND TRIBAL AREAS**

- ▶ **Article 244** - Administration of Scheduled Areas and Tribal Areas
- ▶ **Article 244A** - Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefore

Special Provisions in Constitution for North Eastern india. Contd.....

- ▶ **PART XXI – TEMPORARY, TRANSITIONAL AND SPECIAL PROVISIONS**
- ▶ **Article 371A** - Special provision with respect to the State of Nagaland
- ▶ **Article 371B** - Special provision with respect to the State of Assam
- ▶ **Article 371C** - Special provision with respect to the State of Manipur
- ▶ **Article 371F** - Special provisions with respect to the State of Sikkim
- ▶ **Article 371G** - Special provision with respect to the State of Mizoram
- ▶ **Article 371H)** - Special provision with respect to the State of Arunachal Pradesh

Status of North Eastern States with regard to Self-Governing Institution under Part IX and Part IXA of the Constitution and Special Constitutional Provisions.

State/Autonomous Councils	Areas Covered By		Areas Exempted		Special Constitutional Provisions
	Part IX of the Constitution	Part IXA of the Constitution	as 6 th Schedule Areas		
			Part IX	IX A	
			Otherwise		
Arunachal Pradesh					
No ADC	✓	✓			Nil
Assam					
Three ADCs			✓		
Other Areas	✓	✓			371B*
Manipur					
Hill Areas					✓ (243M)(2)(b)
Valley Areas	✓	✓			371C
Meghalaya					
Three ADCs (No other areas)			✓		Nil
Mizoram					
Three ADCs			✓		
Other areas					✓ (243M)(2)(a)
Nagaland					
Tuensang Regional Council under Article 371A					✓ (243M)(2)(a)
Sikkim					
No special area	✓	✓			371F
Tripura					
One ADC General Areas	✓	✓	✓		Nil

Special Statutory and Administrative Provisions for North Eastern India. Contd.....

- ▶ **Setting up of Ministry of DONER** in 2004 to coordinate and give impetus to the Centre's development efforts pertaining to socio-economic development of the region.
- ▶ **Special Category status:** Central Plan assistance to these states is provided on **liberal terms**. NER States' contribution to Centrally Sponsored Schemes now range generally between **10% to 20%** whereas for other states it is between 20% to 50%. These states are also allowed to divert **20 per cent of the Normal Central Assistance (NCA)** under the plan to meet non-plan expenditure.
- ▶ **10% Mandatory Earmarking** of Plan Budget(s) of the Central ministries/departments for NER.
- ▶ **Liberal Norms for Externally Aided Projects** the amount disbursed by External Donor Agency will be released **as 90% Grant and 10% loan (Block Loan)** in Indian rupees to the Special Category States.
- ▶

Concluding remarks on constitutional provisions

The enabling features of the Constitution allowing for the protection of specific identities and local resources (for example those enshrined in Article 371) need to be implemented in their letter and spirit for satisfying local, particularly tribal, aspirations. This will alleviate their perceived sense of alienation and fear of loss of cultural and social identities.



Armed Forces Special Powers Act 1958

Armed Forces Special Powers Act [AFSPA]--Evolution

- ▶ Modeled on the **Armed Forces (Special Powers) Ordinance** promulgated by the colonial British government on 15 **August 1942** to suppress “**Quit India Movement**”
- ▶ Immediate precedents: Acts for East Punjab and Bengal in 1947 to Control Partition riots.
- ▶ To control the Naga insurgency that had broken out in the mid fifties, the Act was promulgated in September 1958 for operation in Assam and Manipur.
- ▶ Enacted for Tripura in 1970, Manipur in 1980, Punjab in 1983 and J&K in 1990.

Armed Forces Special Powers Act

Powers for the military

- ▶ Powers for the military (Sections 4, 5) when employed in areas declared 'disturbed' under Section 3 of the Act.
- ▶ **Any commissioned officer, warrant officer**, non-commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area,-
 - ▶ (a) if he is of opinion that it is necessary so to do for the maintenance of public order, after giving such due warning as **he may consider necessary, fire upon or otherwise use force, even to the causing of death**, against any person who is acting in contravention of any law or order for the time being in force...;
 - ▶ (b) ...destroy any arms dump, prepared or fortified position or shelter...;
 - ▶ (c) **arrest, without warrant**, any person who has committed a cognizable offence or against whom a reasonable suspicion exists...;
 - ▶ (d) **enter and search without warrant...**'

Armed Forces Special Powers Act: Controversies and Protests.

- ▶ **virtual impunity** for any excesses while exercising these unrestrained powers as no one can be prosecuted **without the prior permission of the Central government**.
- ▶ Civil disobedience movement led by the **Apunba Lup** in 1958.
- ▶ Fast Unto death **by Ms. Irom Sharmila since 2001** demanding repeal of AFSPA.
- ▶ Alleged extrajudicial execution of 32-year-old, Ms **Thangjam Manorama Devi** following her arrest as a suspected member of the Peoples Liberation Army (PLA) by the Assam Rifles personnel on 11 July 2004.



Armed Forces Special Powers Act: **Need to Re-look**

- ▶ Judicial Position On AFSPA
 - ▶ Writ Petitions filed in 1980 challenging the Act were dismissed by **the Delhi High Court**. Act was held to be 'not violative' of Articles 14, 19 and 21 of the Constitution.
 - ▶ Supreme Court's 1988 of **Naga Peoples' Movement of Human Rights vs Union of India**, was essentially that 'Parliament was competent to enact the Central Act'.
- ▶ **BP Jeevan Reddy committee** examining it in relation to the North East in 2005 and the Veerappa Moily report of **the Second Administrative Reforms Commission of 2006 (Fifth Report)**, asked that the Act be repealed.
- ▶ In Recent Past **Justice Verma Committee** also asked for a review of provisions of act.
- ▶ The **Army and Air Chiefs** have publicly made their position clear on retaining the Act and its provisions. The current status is one of **status quo**.

National Dynamics

NEHRU AND ELWIN

- ▶ Assimilation or Integration
- ▶ Gradual administrative expansion with REVIVALIST and PROTECTIONIST approach.
- ▶ Inner Line of Regulation

PROBLEM

- ▶ Recognition but no capacity building or appropriate self development.

AFTER CHINESE AGRESSION

- ▶ Colonial Approach : Frontiers
- ▶ 1st set back in Foreign Administration
- ▶ SECURITY Approach : More administrative machinery
- ▶ Territorial Habitat rather than linguistic and cultural Identity
- ▶ Culture sensitive design to massive investment

PROBLEM

- ▶ Political and administrative development but no economic development

POLITICAL REPRESENTATION ,1970s

- ▶ Sub nationalities' participation in 'mainstream' democratic process.
- ▶ Formation of new states
- ▶ Banking Activities
- ▶ POLICY of progressive integration : Rapid politico administrative and cultural integration associated with programmes for rapid modernisation of stagnant Tribal economy.

PROBLEM

- ▶ Sense of pride yet not reached masses
- ▶ Flow of black money

DEVELOPMENT SYNDROME , 1980s

- ▶ Policy assumes : Pour Money and Institutions will develop.
- ▶ Leakage of funds into coffers of insurgent groups
- ▶ Lack of capacity by state to absorb huge quantity in location specific projects.

PROBLEM

- ▶ Development package largely unutilised.

LOOK EAST POLICY AND ACT EAST POLICY

- ▶ Geographical Disadvantage and Upcoming Globalisation
- ▶ Political integration with rest of India and economic integration with rest of Asia, East and South east Asia
- ▶ UPA govt partnership with ASEAN countries both within BIMSTEC and outside.
- ▶ Paradigm shift from state centrism to interdependence ;and global and regional cooperation .

CONCLUSION

SOFT POWER RESOURCE
AND NOT OBJECT OF
POLICY